



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,106	07/23/2003	Timothy Jon Haataja	2316.1196USD1	8972
7590 03/16/2006			EXAMINER	
Karen A. Fitzsimmons MERCHANT & GOULD P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			JIMENEZ, MARC QUEMUEL	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/626,106	Applicant(s) HAATAJA ET AL.	
	Examiner Marc Jimenez	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12-27-05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

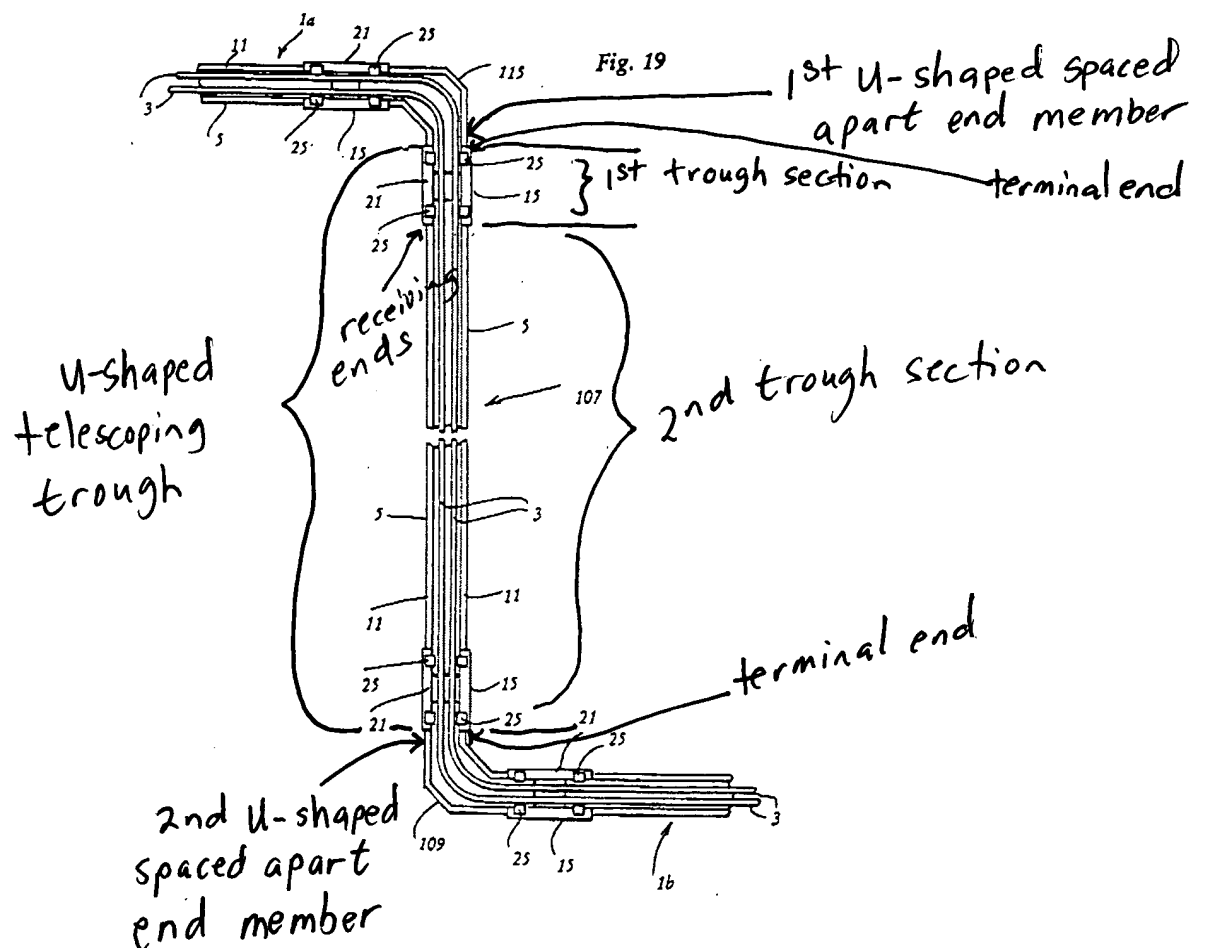
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-6, 8, 9, 20-23, 26 and 27** are rejected under 35 U.S.C. 102(b) as being anticipated by Zetena (US5316244).

Regarding claims 1-4, Zetena teaches the following in figure 19: first **115** and second **109** U-shaped spaced apart members, providing a telescoping U-shaped trough with first and second trough sections (See mark-up of figure 19 below for what is considered “first” and “second” trough “sections”), the first and second trough sections each having a terminal end **21** and a receiving end (See mark-up of figure 19 below for what is considered “receiving ends”), the

Art Unit: 3726

receiving ends of the first and second trough sections being in sliding contact with one another, the terminal ends **21** of the first and second trough sections having the same connecting configuration such that the telescoping U-shaped trough is reversible, positioning the reversible telescoping U-shaped trough between the first and second end members **115,109**, and connecting the first and second trough sections of the reversible telescoping U-shaped trough to the first and second end members **115,109**, wherein the first and second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective first and second end members **115,109**.



Regarding claim 5, the first and second slideable trough sections have substantially the same coupling profile (U-shaped).

Regarding claim 6, the trough sections are slidable to fit between the first and second end **115,109**.

Regarding claim 8, as shown in figure 6, the tab 28 creates a slot and tab connection which stops further sliding movement.

Regarding claim 9, the retractable cable trough allows the cable trough to be positioned between first and second **109,155** end members and expanding the telescoping cable trough to connect the first and second sections to the first and second end members.

Regarding claims 20-23, 26 and 27, Zetena is considered to meet the "sliding movement of the first and second trough sections being limited between a minimum extension position and a maximum extension position to prevent sliding separating of the first and second trough sections" limitation because the trough member is locked in place by locking clips **25**. The clips **25** are also considered "stops".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3726

5. **Claims 7, 24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetena in view of Merckle (US 3,351,699).

Zetena teaches the invention cited with the exception of the flanges of the second trough section having slots.

Merckle teaches in figure 8, flanges of a slideable trough having slots 30.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to have provided the invention of Zetena with slots in the flanges of the second trough, in light of the teachings of Merckle, in order to provide easier disassembly of the troughs where the inner trough could be removed from above the outer trough by pulling the inner trough upwards (see figure 12 of Merckle where the inner trough 30 could be separated from the outer trough 36 more easily). Whereas in Zetena, the troughs have to be telescopically removed or assembled.

Response to Arguments

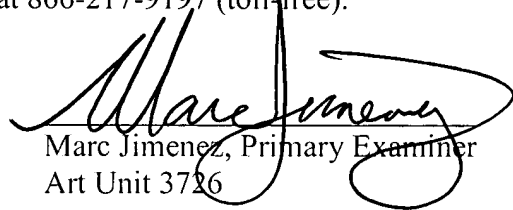
6. Applicant's arguments with respect to claims 1-9 and 20-27 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (571) 272-4530. The examiner can normally be reached on Monday-Thursday.

Art Unit: 3726

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571) 272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Marc Jimenez, Primary Examiner
Art Unit 3726

MJ
2-6-06